

**Department of Defense**  
**Report on Privacy and Civil Liberties Activities**  
**Section 803 of the “Implementing Recommendations of the 9/11 Commission Act of 2007”**  
**2nd Quarter FY13 – January 1 to March 31, 2013**

**A. Number and Types of Reviews<sup>1</sup> Undertaken**

Computer Matching Programs	1
Privacy Act Statements	1159
Privacy Act Systems of Records Notices (SORNs) with applicable exemptions	250
Section (m) Contract Reviews	169

<sup>1</sup> A review is an activity to ensure compliance with requirements established in controlling authorities such as the Privacy Act of 1974, 5 U.S.C. § 552a; OMB Circular A-130, Appendix 1; and OMB Memo M-07-16. Examples of reviews may include a Privacy Impact Assessment, OMB Circular A-130 Privacy Act reviews (new and updated system of records reviews and reviews of proposed rules for Privacy Act exemptions), or OMB Circular A-130 Computer Matching reviews.

**B. Type of Advice Provided<sup>1</sup> and the Response to Advice<sup>2</sup>**

Advice Provided	Response to Advice
0	0

<sup>1</sup> Advice provided is the written issuance of policies, procedures, or guidance pertaining to privacy and civil liberties issued by: (1) the Heads of the OSD and DoD Components; or (2) Component Senior Officials for Privacy or Component Chief Civil Liberties Officers.

<sup>2</sup> Response to advice is specific action taken by a DoD Component implementing the advice provided by: (1) the Heads of the OSD and DoD Components; or (2) Component Senior Officials for Privacy or Component Chief Civil Liberties Officers. Examples of a response to advice may include: guidance, new procedure, or training.

**C. Nature, Number, and Disposition of Complaints<sup>1</sup> Received**

Nature of Privacy Complaints	Number Received	Disposition of Complaint	
		Responsive Action Taken <sup>2</sup>	Pending <sup>3</sup>
Process and Procedure	9	7	2
Redress	0	0	0
Operational	8	5	3
<i>Sub Total for Privacy Complaints:</i>	<i>17</i>	<i>12</i>	<i>5</i>
<b>Nature of Civil Liberties Complaints</b>			
First Amendment	13	13	0
Second Amendment	7	3	4
Fourth Amendment	4	4	0
Fifth Amendment	4	4	0
<i>Sub Total for Civil Liberties Complaints:</i>	<i>28</i>	<i>24</i>	<i>4</i>
<b>TOTAL for 2nd Qtr FY13</b>	<b>45</b>	<b>36</b>	<b>9</b>

<sup>1</sup> A complaint is an assertion alleging a violation of privacy and/or civil liberties. Privacy complaints typically allege violations of: (1) process and procedural issues (consent, collection, disclosure, and notice); (2) redress (non-Privacy Act inquiries seeking resolution of difficulties about privacy matters); or (3) operational issues (Privacy Act matters not including requests for access, disclosure, and/or amendment). Civil liberties complaints typically allege a violation of the Bill of Rights or other Amendments to the Constitution of the United States.

<sup>2</sup> Responsive action taken means the complaint was reviewed and a responsive action was taken and/or the complaint was resolved.

<sup>3</sup> Pending means that the complaint is being reviewed to determine the responsive action and/or resolution.



ADMINISTRATION AND  
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE  
1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

MAY 29 2013

The Honorable Carl Levin  
Chairman  
Committee on Armed Services  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

Pursuant to section 803, Public Law 110-53, the "Implementing Recommendations of the 9/11 Commission Act of 2007," ("the Act"), this letter and its enclosure serve as the Department of Defense's (DoD) Privacy and Civil Liberties Report for the second quarter of fiscal year 2013, January 1 through March 31, 2013.

Consistent with the Act's requirement to review whether privacy and civil liberties are adequately considered, the Defense Privacy and Civil Liberties Office (DPCLO) continues to periodically review new and reissued policy issuances, legislative proposals, and agency responses to Congressional inquiries. During the second quarter of FY13, DPCLO reviewed 66 issuances.

The Act requires that DoD have "adequate procedures to receive, investigate, respond to, and redress complaints" alleging that DoD violated a complainant's privacy or civil liberties. DPCLO received 17 privacy complaints and 28 civil liberties complaints; responsive action was taken for 36 complaints; and nine are pending.

A similar letter is being sent to the Chairmen of the other appropriate congressional committees and the Chairman of the Privacy and Civil Liberties Oversight Board.

Michael L. Rhodes  
Senior Agency Official for Privacy  
and DoD Civil Liberties Officer

Enclosure:  
As stated

cc:  
The Honorable James Inhofe  
Ranking Member



ADMINISTRATION AND  
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

MAY 29 2013

The Honorable Dianne Feinstein  
Chairman  
Select Committee on Intelligence  
United States Senate  
Washington, DC 20510

Dear Madam Chairman:

Pursuant to section 803, Public Law 110-53, the "Implementing Recommendations of the 9/11 Commission Act of 2007," ("the Act"), this letter and its enclosure serve as the Department of Defense's (DoD) Privacy and Civil Liberties Report for the second quarter of fiscal year 2013, January 1 through March 31, 2013.

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Michael L. Rhodes  
Senior Agency Official for Privacy  
and DoD Civil Liberties Officer

Enclosure:  
As stated

cc:  
The Honorable Saxby Chambliss  
Vice Chairman





ADMINISTRATION AND  
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

MAY 29 2013

The Honorable Darrell E. Issa  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

Pursuant to section 803, Public Law 110-53, the "Implementing Recommendations of the 9/11 Commission Act of 2007," ("the Act"), this letter and its enclosure serve as the Department of Defense's (DoD) Privacy and Civil Liberties Report for the second quarter of fiscal year 2013, January 1 through March 31, 2013.

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Michael L. Rhodes  
Senior Agency Official for Privacy  
and DoD Civil Liberties Officer

Enclosure:  
As stated

cc:  
The Honorable Elijah E. Cummings  
Ranking Member



ADMINISTRATION AND  
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE  
1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

MAY 29 2013

The Honorable Patrick J. Leahy  
Chairman  
Committee on Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

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Michael L. Rhodes  
Senior Agency Official for Privacy  
and DoD Civil Liberties Officer

Enclosure:  
As stated

cc:  
The Honorable Chuck Grassley  
Ranking Member



ADMINISTRATION AND  
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

MAY 29 2013

The Honorable Thomas R. Carper  
Chairman  
Committee on Homeland Security  
and Governmental Affairs  
United States Senate  
Washington, DC 20510

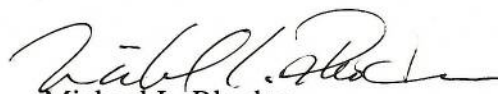
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Michael L. Rhodes  
Senior Agency Official for Privacy  
and DoD Civil Liberties Officer

Enclosure:  
As stated

cc:  
The Honorable Tom Coburn  
Ranking Member





ADMINISTRATION AND  
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE  
1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

MAY 29 2013

The Honorable Howard P. "Buck" McKeon  
Chairman  
Committee on Armed Services  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

Pursuant to section 803, Public Law 110-53, the "Implementing Recommendations of the 9/11 Commission Act of 2007," ("the Act"), this letter and its enclosure serve as the Department of Defense's (DoD) Privacy and Civil Liberties Report for the second quarter of fiscal year 2013, January 1 through March 31, 2013.

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Michael L. Rhodes  
Senior Agency Official for Privacy  
and DoD Civil Liberties Officer

Enclosure:  
As stated

cc:  
The Honorable Adam Smith  
Ranking Member





ADMINISTRATION AND  
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE  
1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

MAY 29 2013

The Honorable Mike Rogers  
Chairman  
Permanent Select Committee on Intelligence  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

Pursuant to section 803, Public Law 110-53, the "Implementing Recommendations of the 9/11 Commission Act of 2007," ("the Act"), this letter and its enclosure serve as the Department of Defense's (DoD) Privacy and Civil Liberties Report for the second quarter of fiscal year 2013, January 1 through March 31, 2013.

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Michael L. Rhodes  
Senior Agency Official for Privacy  
and DoD Civil Liberties Officer

Enclosure:  
As stated

cc:  
The Honorable C.A. Dutch Ruppersberger  
Ranking Member



ADMINISTRATION AND  
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE  
1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

MAY 29 2013

The Honorable Bob Goodlatte  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

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Michael L. Rhodes  
Senior Agency Official for Privacy  
and DoD Civil Liberties Officer

Enclosure:  
As stated

cc:  
The Honorable John Conyers, Jr.  
Ranking Member



ADMINISTRATION AND  
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE  
1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

MAY 29 2013

The Honorable David Medine  
Chairman  
Privacy and Civil Liberties Oversight Board  
1275 First Street, NE  
Desk 849C  
Washington, DC 20417

Delivered electronically to Sue Reingold, Chief Administrative Officer

Dear Mr. Chairman:

Pursuant to section 803, Public Law 110-53, the "Implementing Recommendations of the 9/11 Commission Act of 2007," ("the Act"), this letter and its enclosure serve as the Department of Defense's (DoD) Privacy and Civil Liberties Report for the second quarter of fiscal year 2013, January 1 through March 31, 2013.

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cc:

U.S. Senate Committee on Armed Services

U.S. Senate Committee on Homeland Security and Governmental Affairs

U.S. Senate Committee on Judiciary

U.S. Senate Select Committee on Intelligence

U.S. House of Representatives Committee on Armed Services

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